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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re	: Chapter 11 Case No.
MOTORS LIQUIDATION COMPANY, <i>et al.</i> , f/k/a General Motors Corp., <i>et al.</i>	: 09-50026 (REG)
Debtors.	: (Jointly Administered)
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**MOTORS LIQUIDATION COMPANY ET AL.’S STATEMENT OF ISSUE PRESENTED  
ON APPEAL AND COUNTERDESIGNATION OF ADDITIONAL ITEMS TO BE  
INCLUDED IN THE RECORD ON APPEAL IN CONNECTION  
WITH THE APPEAL OF SHERIF RAFIK KODSY**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, Motors Liquidation Company (f/k/a General Motors Corporation) and its affiliated debtors, as post-effective date debtors (collectively, the “**Debtors**”)<sup>1</sup> submit the following statement of issue presented on appeal and counterdesignation of additional items to be included in the record in connection with the appeal of Sherif Rafik Kodsy (“**Kodsy**” or “**Appellant**”) from the May 3, 2011 supplemental order (ECF No. 10152) (the “**Supplemental Order**”) of the United States

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<sup>1</sup> The Debtors are Motors Liquidation Company (f/k/a General Motors Corporation) (“**MLC**”), MLCS, LLC (f/k/a Saturn, LLC), MLCS Distribution Corporation (f/k/a Saturn Distribution Corporation), MLC of Harlem, Inc. (f/k/a Chevrolet-Saturn of Harlem, Inc.), Remediation and Liability Management Company, Inc. (“**REALM**”), and Environmental Corporate Remediation Company, Inc. (“**ENCORE**”).

Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) (Robert E. Gerber, J.) granting the Debtors’ Ninety-Eighth Omnibus Objection to Claims (Incorrectly Classified Claims) (ECF No. 7050) (the “**Omnibus Objection**”) with respect to Kodsy’s proof of claim, claim number 69683 (“**Kodsy’s Claim**”).<sup>2</sup>

### **STATEMENT OF ISSUE ON APPEAL**

Did the Bankruptcy Court err in granting the Supplemental Order with respect to Kodsy’s Claim?

### **COUNTERDESIGNATION OF RECORD**

<b>Designation Number</b>	<b>Date of Filing</b>	<b>Docket Number</b>	<b>Description</b>
1	6/1/2009	21	Affidavit of Frederick A. Henderson Pursuant to Local Bankruptcy Rule 1007-2
2	6/27/2009	2649	Amended and Restated Master Sale & Purchase Agreement and Certain Exhibits and Schedules Thereto
3	7/5/2009	2967	Decision on Debtors’ Motion for Approval of (1) Sale of Assets to Vehicle Acquisition Holdings LLC; (2) Assumption and Assignment of Related Executory Contracts; and (3) Entry into UAW Retiree Settlement Agreement
4	7/5/2009	2968	Order (I) Authorizing Sale of Assets Pursuant to Amended and Restated Master Sale and Purchase Agreement with NGMCO, Inc., a U.S. Treasury-Sponsored Purchaser; (II) Authorizing Assumption and Assignment of Certain Executory Contracts and Unexpired Leases in Connection with the Sale; and (III) Granting Related Relief
5	7/6/2009	2985	Errata Order re: Decision on Debtors’ Motion for Approval of (1) Sale of Assets to Vehicle Acquisition Holdings LLC; (2) Assumption and

<sup>2</sup> The Debtors reserve the right to amend this Counterdesignation of Items to be Included in the Record on Appeal. For items designated, the designation includes all documents referenced within the particular document number, including, without limitation, all exhibits, attachments, declarations, and affidavits related thereto.

<b>Designation Number</b>	<b>Date of Filing</b>	<b>Docket Number</b>	<b>Description</b>
			Assignment of Related Executory Contracts; and (3) Entry into UAW Retiree Settlement Agreement
6	7/16/2009	3193	Memorandum and Order of U.S. District Court Judge Lewis A. Kaplan in an M-47 Proceeding
7	9/2/2009	3940	Motion for Order Establishing the Deadline for Filing Proofs of Claim Against MLC, MLCS, LLC, MLCS Distribution Corporation, MLC of Harlem, Inc., and MLC of Harlem, Inc.
8	9/16/2009	4079	Order Establishing the Deadline for Filing Proofs of Claim Against MLC, MLCS, LLC, MLCS Distribution Corporation, MLC of Harlem, Inc., and MLC of Harlem, Inc
9	10/14/2009	4238	Affidavit of Service of Order Establishing the Deadline for Filing Proofs of Claim Against MLC, MLCS, LLC, MLCS Distribution Corporation, MLC of Harlem, Inc., and MLC of Harlem, Inc.
10	10/23/2009	4290	Certificate of Publication of the Notice of the Deadline for Filing Proofs of Claim Against MLC, MLCS, LLC, MLCS Distribution Corporation, MLC of Harlem, Inc., and MLC of Harlem, Inc.
11	11/16/2009	4445	Motion for Order Establishing the Deadline for Filing Proofs of Claim Against REALM and ENCORE
12	12/2/2009	4586	Order Establishing the Deadline for Filing Proofs of Claim Against REALM and ENCORE
13	12/18/2009	4681	Order Establishing the Deadline for Filing Proofs of Claim with Respect to Claims Relating to Certain Properties
14	12/28/2009	4714	Motion to Authorize Debtors to Honor Prepetition Obligations to Customers filed by Sherif Rafik Kodsy
15	10/23/2009	4724	Certificate of Publication of Notice of the Deadline for Filing Proofs of Claim Against REALM and ENCORE
16	1/14/2010	4864	Motion to Authorize Debtors to Honor Prepetition Obligations to Customers filed by Sherif Rafik Kodsy

<b>Designation Number</b>	<b>Date of Filing</b>	<b>Docket Number</b>	<b>Description</b>
17	1/25/2010	4877	Affidavit of Publication of Notice of the Deadline for Filing Proofs with Respect to Claims Relating to Certain Properties
18	4/14/2010	5493	Memorandum and Order of U.S. District Court Judge Naomi Reice Buchwald
19	4/29/2010	5674	Memorandum and Order of U.S. District Court Judge Robert W. Sweet
20	8/2/2010	6496	Motion to Authorize Debtors to Honor Prepetition Obligations to Customers Exhibits filed by Sherif Rafik Kodsy
21	9/21/2010	7050	Debtors' Ninety-Eighth Omnibus Objection to Claims (Incorrectly Classified Claims)
22	9/22/2010	7083	Affidavit of Service of Notice of Debtors' Ninety-Eighth Omnibus Objection to Claims (Incorrectly Classified Claims)
23	9/30/2010	7309	Response to the Ninety-Eighth Omnibus Objection of Debtor filed by Sherif Rafik Kodsy
24	11/8/2010	7677	Order Granting Debtors' Ninety-Eighth Omnibus Objection to Claims (Incorrectly Classified Claims)
25	11/11/2010	7734	Affidavit of Service of Order Granting Debtors' Ninety-Eighth Omnibus Objection to Claims (Incorrectly Classified Claims)
26	12/7/2010	8014	Disclosure Statement for Debtors' Amended Joint Chapter 11 Plan
27	12/7/2010	8015	Debtors' Amended Joint Chapter 11 Plan
28	12/8/2010	8023	Disclosure Statement for Debtors' Amended Joint Chapter 11 Plan
29	12/8/2010	8043	Order (I) Approving Notice of Disclosure Statement Hearing; (II) Approving Disclosure Statement; (III) Establishing a Record Date; (IV) Establishing Notice and Objection Procedures for Confirmation of the Plan; (V) Approving Notice Packages and Procedures for Distribution thereof; (VI) Approving the Forms of Ballots and Establishing Procedures for Voting on the Plan; and (VII) Approving the Forms of Notices to Non-Voting Classes Under the Plan, Dated December 8, 2010

<b>Designation Number</b>	<b>Date of Filing</b>	<b>Docket Number</b>	<b>Description</b>
30	12/13/2010	8142	Motion for a Telephonic Hearing filed by Sherif Rafik Kodsy
31	1/18/2011	8673	Affidavit of Publication of Debra Wolther, Sworn to on January 18, 2011, of the Notice of (I) Approval of Disclosure Statement; (II) Establishment of Record Date; (III) Hearing on Confirmation of the Plan and Procedures for Objecting to Confirmation of the Plan; (IV) Procedures and Deadline for Voting on the Plan; and (V) Administrative Expense Claim Bar Date
32	2/22/2011	9389	Debtors' Memorandum of Law in Support of Confirmation of Amended Joint Chapter 11 Plan and Response to Objections to Plan
33	3/2/2011	9697	Transcript Regarding Hearing Held on March 1, 2011
34	3/18/2011	9836	Debtors' Second Amended Joint Chapter 11 Plan
35	3/22/2011	9874	Debtors' Reply to Response of Sherif R. Kodsy Opposing Omnibus Objection to Incorrectly Classified Claims (Omnibus Objection No. 98)
36	3/23/2011	9896	Affidavit of Service of Debtors' Reply to Response of Sherif R. Kodsy Opposing Omnibus Objection to Incorrectly Classified Claims
37	3/29/2011	9941	Findings of Fact, Conclusions of Law, and Order Pursuant to Sections 1129(a) and (b) of the Bankruptcy Code and Rule 3020 of the Federal Rules of Bankruptcy Procedure Confirming Debtors' Second Amended Joint Chapter 11 Plan
38	3/31/2011	10039	Objection to the Debtors' Response to the Ninety-Eighth Omnibus Objection of Claimant filed by Sherif Rafik Kodsy
39	4/6/2011	10056	Notice of Occurrence of Effective Date of Debtors' Second Amended Joint Chapter 11 Plan
40	4/8/2011	10068	Amendment of Letters of Correspondence with Debtors filed by Sherif Rafik Kodsy
41	4/26/2011	10132	Supporting Rules and Case Law filed by Sherif Rafik Kodsy
42	4/28/2011	10140	Transcript regarding Hearing Held on April 26,

<b>Designation Number</b>	<b>Date of Filing</b>	<b>Docket Number</b>	<b>Description</b>
			2011
43	5/3/2011	10151	Notice of (I) Entry of Order Confirming Debtors' Second Amended Joint Chapter 11 Plan and (II) Occurrence of Effective Date
44	5/3/2011	10152	Supplemental Order Granting Debtors' Ninety-Eighth Omnibus Objection to Claims (Incorrectly Classified Claims)
45	5/5/2001	10189	Affidavit of Service of Supplemental Order Granting Debtors' Ninety-Eighth Omnibus Objection to Claims (Incorrectly Classified Claims)
46	5/12/2011	10230	Notice of Appeal filed by Sherif Rafik Kodsy
47	5/16/2011	10274	Application to Proceed Without Prepayment of Fees and Affidavit filed by Sherif Rafik Kodsy
48	5/25/2011	10353	Letter to Honorable Robert E. Gerber Opposing the Application to Appeal Without Prepayment of Fees
49	5/25/2011	10367	Index of Appeal filed by Sherif Rafik Kodsy
50	5/27/2011	10387	Letter by Sherif R. Kodsy to Honorable Robert E. Gerber Responding to the Debtors' Opposition to the Application to Appeal Without Prepayment of Fees
51	6/3/2011	10394	Endorsed Order forwarding to the District Court for its consideration the Debtors' Letter to Honorable Robert E. Gerber Opposing the Application to Appeal Without Prepayment of Fees
52	6/1/2009-6/8/2011	N/A	Docket for <i>Motors Liquidation Company, et al.</i> ( <i>f/k/a General Motors Corp. et al.</i> ), Ch. 11 Case No. 09-50026 (REG) for 6/1/2009 through 06/08/2011

Dated: June 8, 2011  
New York, New York

/s/ Joseph H. Smolinsky

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